

Dear Environmental Appeals Board;

I am appealing the US EPA decision to approve the NPDES permit for the Flying Cloud Casino project by the Buena Vista Rancheria.

The Buena Vista Rancheria is not a Tribe in the true sense of the definition. There is only one individual. There is not a population of people that one could call a Tribe. Furthermore, the lone individual had no affiliation with the prior membership of the individuals recognized by the BIA as the members of the Buena Vista Rancheria. The previously recognized individuals of the Oliver family did not recognize Rhonda Pope as a member of their Tribe and refused to meet with her and let her be a part of the Buena Vista Rancheria. It wasn't until my family and I took Ms. Pope to the Buena Vista Rancheria, that she had seen the cemetery or discovered the unmarked grave of her father. It is my family's continued use and participation of the Buena Vista Rancheria that enabled Ms. Pope to even learn the final resting place of her father. It is irresponsible for the US EPA to allow an individual adversely impact cultural sites deemed eligible for the NRHP that have been protected by the Miwok people for centuries.

Indian gaming was initially authorized and developed to provide an opportunity for Indian Tribes to climb out of poverty and provide a more stable means of survival through providing for themselves utilizing revenue generated from Indian gaming activities. The Buena Vista Rancheria already receives Revenue Sharing Trust Funds from other gaming Tribes throughout California. For the past decade non-gaming tribes including the Buena Vista Rancheria have received roughly a million dollars a year. Ms. Pope has already received more money than most hard working US citizens receive in a lifetime of hard labor. The Buena Vista Rancheria should already have enough funds to be self sufficient for the remainder of her life.

The proposed project is on 67 acres. The northern 1/3 of the project site has been labeled a archaeological protection area. The southern 1/3 contains numerous archaeological sites as well and includes the base of the Buena Vista Peaks which are culturally sensitive as well. The middle 1/3 is where the project is proposed and that I maintain is arbitrarily splitting the cultural site locally immediately adjacent to the sites to the immediate north and south. The sites located immediately south of the site are documented to be directly affiliated with the village and inhabitation site located on the northern portion of the property. The archaeological testing for the proposed project in the middle 1/3 where the project site is located were not absent of archaeological material, rather majority of the shovel probe tests found lithic scatter in this area. Site records indicate a midden site was located in this middle portion of the land as well. So you see, the middle portion of the property isn't lacking cultural sensitivity, rather it contains less archaeological materials than the sites located immediately adjacent to the section of land for the proposed project. The proposed project will destroy the historic properties and the interconnectedness of the properties.

The Historic Properties Treatment Plan (HPTP) contains planting recommendations to hide the buildings constructed for the casino project, which will impede the visual ability to see to and fro the Buena Vista Peaks and the historic inhabitation area and cemetery area of the property. The proposed casino project was supposedly reduced in size and elevation to maintain this view to and fro the Buena Vista Peaks. How is it appropriate to include a plan to obstruct the view of the casino project that will impede the same view that we tried to preserve by altering the casino project. The HPTP is inadequate and was developed too hastily. The US EPA contends adequate time was given to the HPTP, however there was only one opportunity to provide comments on the HPTP. At the time we were allowed to provide comments regarding the HPTP, the HPTP was in such bad shape that at the lone consultation meeting regarding the HPTP representatives of the US Army Corp of Engineers and the SHPO both said a lot more work needed to occur on the HPTP but that it was a starting point.

The proposed project will increase flow into the Jackson Creek channel that will adversely impact another cultural site eligible for the NRHP, CA-AMA-56. This site is located downstream of the proposed project. The US EPA did a simple calculation showing that the impact of the flows as a percentage of volume emitted from Lake Amador into the Jackson Creek. This analysis is flawed. The analysis doesn't consider that the effluent from Lake Amador is during the Summer period and that the effluent is mainly used by the Jackson Valley Irrigation District (JVID) for agricultural purposes. A large portion of the effluent from Lake Amador is pumped out of the Jackson Creek channel by the JVID prior to the CA-AMA-56 site.

The US EPA provided these flow calculations for the impact onto AMA-56 during the meetings for the HPTP and did not provide an opportunity to discuss the flow calculations on their own. No hydraulic analysis was conducted to determine the true impact of the flows in conjunction with the peak storm events that occur in the area during the winter. The Jackson Creek channel already floods during winter storms without an increase in the flow. The US EPA should have calculated the flows in Jackson Creek using standard hydraulic engineering principles, utilizing the effluent from Lake Amador, the effluent from the proposed project and the flows due to storm events for the 10 year and 100 year storm events considering the geometry of the open channel of Jackson Creek. No engineering analysis considered the geometry of the channel and the US EPA can not still tell me where at CA-AMA-56 the water level will be during a 10 year or 100 year storm event relevant to the archaeological site of CA-AMA-56. Will it be inundated or will the water level be 3 feet from it, nobody knows.

The US EPA contends that the consulting parties were provided information regarding the change in scope of the project throughout the process. This is untrue. The proposed project supposedly was changed during negotiations with the Buena Vista Rancheria and negotiations with the County of Amador during the 2008-2009 timeframe. However, the results of these negotiations were never finalized nor of public record, therefore the consulting parties were not notified about the project changes until the meetings to discuss the HPTP. Even during these discussions, the EPA wasn't even aware of the project changes from the negotiations. Formal changes to the project due to these

ongoing negotiations never occurred. We were merely notified in a meeting that some changes were made to the size and elevation of the project but specifics were never formally provided nor were there any documentation to state the changes from negotiations with the County of Amador were incorporated into the proposed project design.

The federal government is making a reckless and careless decision in authorizing this permit. The federal government has spent years formulating regulations to protect the environment, historic properties and regulate the misuse of Indian gaming. In this project we have an example of abuse of Tribal Sovereignty and misuse of that sovereignty to circumvent the intent of these regulations. It is for these reasons and the reasons I documented in my letters during this entire project, commencing in 1999, which I submitted as part of the record to Mr. John Tinger that I believe the US EPA should not provide a NPDES Permit for the Buena Vista Rancheria Casino project.

Sincerely

/s

Glen Villa Jr.

June 23, 2009

John Tinger  
U.S. EPA Region IX  
NPDES Permits Branch

Dear Mr. Tinger,

The following attachment includes my comments regarding the Historic Properties Treatment Plan Buena Vista Rancheria of Me-Wuk Indians Gaming and Entertainment Facility Project. I look forward to discussing these comments and other issues with you at the June 30, 2009 meeting.

If you have any questions, please contact me.

Sincerely,  
/signed/

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## Glen Villa Jr. Comments on the Buena Vista Proposed Treatment Plan

Page 9, Buena Vista Peaks, last paragraph: “The Peaks retain integrity of location, setting, feeling, association despite the nearby location of a cogeneration plant to the west and the town of Buena Vista to the north, because the Buena Vista Tribe has continued to use this site for traditional cultural practices.

Comment: The cultural value of the Buena Vista Peaks and the retention of integrity of the Peaks to the Buena Vista Rancheria property has nothing to do with the “Buena Vista Tribe has continued to use this site for traditional cultural practices.” Suggest rewording the paragraph to:

“The Peaks retain integrity of location, setting, feeling, association despite the nearby location of a cogeneration plant to the west and the town of Buena Vista to the north, ~~because the Buena Vista Tribe has continued to use this site for traditional cultural practices.~~”

Page 10, second sentence from top of the page: “The village site is located completely within the boundaries of the Rancheria and, thus, falls under the exclusive jurisdiction of the Buena Vista Tribe.

Comment: The village site does extend beyond the boundaries of the Rancheria fence line to the east. The spring adjacent to the property on the northeast end of the property is directly affiliated to the village. Furthermore, no archaeological excavations tested the boundary of the village site on the east side of the property. All archaeological excavations done on site were testing the site boundaries within the Rancheria property.

Page 11, last paragraph, “CA-Ama-411/H, despite the nearby location of a cogeneration plant to the west and on-Rancheria roads, still retains its rural quality and therefore setting because the Buena Vista Tribe has continued to maintain this site and continues to use this site for traditional cultural practices.”

Comment: Reword the paragraph to ““CA-Ama-411/H, despite the nearby location of a cogeneration plant to the west and on-Rancheria roads, still retains its rural quality and therefore setting ~~because the Buena Vista Tribe has continued to maintain this site and continues to use this site for traditional cultural practices.~~”

Page 13, first sentence: “EPA in consultation with SHPO have determined that site Ca-Ama-411/H and a portion of the Buena Vista Peaks, a traditional cultural property, are both eligible for listing on the NRHP and that both properties would be adversely effected by construction and operation of the Buena Vista Gaming and Entertainment Facility.”

Comment: “EPA in consultation with SHPO have determined that site Ca-Ama-411/H and ~~a portion of the Buena Vista Peaks~~ are one, a traditional cultural property, ~~are both~~

eligible for listing on the NRHP and ~~that both properties~~ would be adversely effected by construction and operation of the Buena Vista Gaming and Entertainment Facility.”

Page 13, last sentence of paragraph 2: “The current design of the project would not have a direct effect on known archaeological remains and includes a buffer area between CA-Ama-411/H and the project construction area.”

Comment: The project is a direct effect in that it causes a physical separation between Ca-Ama-411/H and the Buena Vista Peaks. It also changes the purpose and land use of the property. The property has always been a place to live and die. Now the property is being converted to a tourist attraction and introducing large scale buildings and structures.

Page 14, Cemetery Access, first sentence: “Access to the cemetery will be made available to descendants and family of interred ancestors by contacting the Tribal office during regular business hours.”

Comment: Why can't a lock with a combination or key be used so those with family interred can go whenever they want?

Page 14, Cemetery Access, second sentence: “Information relevant to cemetery access, including any restrictions due to ceremonial use, events, restrictions due to implementation of the measures proscribed in this document or other access restrictions shall be made known to descendents and family.”

Comment: Why does there need to be any restrictions to the cemetery access?

Page 14, last sentence: “Except during the Spring Grave Cleaning, the Tribe is solely responsible for the maintenance and upkeep of the entire cemetery.”

Comment: What does this mean?

Page 15, first sentence: “The Tribe shall install and maintain appropriate landscaping near and adjacent to the cemetery, install appropriate barriers and other access and visual restrictions to prevent access by the general public to the cemetery, and enhance cemetery facilities for the use of descendants and family members.”

Comment: Who determines what is “appropriate?” Why is there a need to install barriers and visual restrictions? What does “enhance cemetery facilities” mean? Making changes to the cemetery takes away from the natural landscape and environment that the people buried there loved so much, the Buena Vista Tribe is placing their idea of beauty and enhancements on the cemetery.

Page 15, Landscaping, second sentence: “Native trees shall be planted outside the cemetery, along the south edge of the cemetery, obscuring vision of the casino and parking structure from the cemetery (Figure 2)”

Comment: Planting trees adjacent to the cemetery to obscure view of the casino will also obscure the view of the Buena Vista Peaks. This is an adverse affect too.

Page 15, Barriers, second sentence: “Signs shall be posted indicating restricted access to the cemetery and that photography of the cemetery and sacred sites is prohibited.”

Comment: Why is photography prohibited? Photographs have been taken for years, it was never taboo. Why is it taboo now?

Page 18, 1<sup>st</sup> paragraph: “At a minimum, 6 trenches will be excavated, each measuring about 1 meter (~3 feet) in width, 2 meters (~6 feet) in depth, and 4 meters (~13 feet) in length.”

Comment: Core samples should be taken in the bottom of each trench to the depths of the proposed excavations for the buildings.

Page 18, 3<sup>rd</sup> paragraph: “...(3) selectively spot-screening a sample of the deposits through 1/4 –inch mesh screen with volumetric controls.”

Comment: There should be a minimum volume of screening that needs to take place per trench, such as 20% of the material will be screened. There should be a provision for wet-screening if the soils are appropriate. If deposits are visibly cultural in nature, 1/8 – inch mesh screens should be used.

Page 18, 3<sup>rd</sup> paragraph: “If cultural remains are identified, all formed tools or diagnostic artifacts (e.g., awls, beads, ground stone, projectile points) will be collected.”

Comment: How will these materials be stored? What types of analysis will be done to them? Will these collected materials be reburied, if so where and how? If not, why not?

Page 18, 3<sup>rd</sup> paragraph: “Unless otherwise specified, more rudimentary cultural materials, such as flaked stone debris, manuports, and fire-cracked rock, will be documented in the field, but not collected.”

Comment: All these cultural materials should be collected and reburied. This area of testing is in the direct footprint of the casino construction and will be disturbed again and scattered who knows where.

Page 18, 3<sup>rd</sup> paragraph: “If organic materials suitable for radiocarbon dating are found (e.g., bone, shell, charcoal, buried soils), appropriate samples will be collected so they can be submitted for radiocarbon dating.”

Comment: Do the bones include human bones or animal bones that have been worked to form implements? Do the shells include beads? I am against the use of radiocarbon dating on these types of materials.

Page 18, middle of page, paragraph: “All excavation will be observed by a Native American monitor arranged for by the Tribe.”

Comment: Are Native American monitors representing the Buena Vista Rancheria the only Native American monitors?

Page 18, Report: “Following review of the draft report, a final report will be prepared and delivered to the Tribe.”

Comment: Who will receive copies of this documentation, draft report, and final report? Will the consulting parties receive copies? Will the consulting parties receive the initial two week “letter report”? Will there be consultation regarding the results of this study prior to the commencement of project construction? What happens if there are intact cultural deposits?

Page 23, bullet 4: “Any object of Cultural Patrimony which shall be items having ongoing historical, traditional, or cultural importance central to the Buena Vista Tribe rather than property owned by an individual.”

Comment: What is an example of this object? Suggest the following language instead: “Any object of Cultural Patrimony ~~which shall be items~~ which belonged to the Miwok people as whole having ongoing historical, traditional, or cultural importance central to the Buena Vista Tribe rather than property owned by an individual.”

Page 23, Notification, “The archaeological and Native American monitors will assist law enforcement personnel, but will also ensure that the archaeological context of the remains stays intact and that human remains are treated with dignity and respect.”

Comment: Who defines dignity and respect? What things can and can't be done or what will be done? Smudging? I suggest removing the words dignity and respect. If certain things will or will not be allowed to the remains, I suggest identifying the treatment of those remains now, with clearly defined actions and language.

Page 24, Treatment of Native American Remains, bullet 6: “No destructive analyses of human remains or objects will be permitted.”

Comment: Does this include radio carbon dating, obsidian hydration, obsidian sourcing?

Page 24, Treatment of Native American Remains, bullet 7: “The Tribe shall provide a safe, secured facility located on the Buena Vista Rancheria to place any burials, funerary objects, sacred items, or objects of cultural patrimony discovered during construction until these items can be reinterred.”

Comment: Recommend the following language change “The Tribe shall provide a safe, secured facility located on the Buena Vista Rancheria to place any burials, funerary

objects, sacred items, or objects of cultural patrimony discovered during construction until these items are ~~can be~~ reinterred.”

Page 24, Treatment of Native American Remains, bullet 8: “Any burials, funerary objects, sacred items or objects of cultural patrimony that are removed from the site of discovery shall be re-interred within the boundaries of the existing Buena Vista Rancheria cemetery.”

Comment: Which area is meant by the “existing Buena Vista Rancheria cemetery? Is it the small fenced area on the northern most edge of the knoll with identified graves or the larger fenced area encompassing the larger Ca-Ama-411/H? This area is a highly sensitive area and any reburial activities are likely to disturb and destroy archaeological features such as house pits and other cultural objects. I suggest the locations for reburial be identified with consultation of the local Miwok people and that the hole for reburial is dug using archaeological methods and principles, documenting any and all cultural features and objects encountered during the reburial process.

Page 24, Treatment of Native American Remains, bullet 9: “Proper ceremonies for re-interment of Native American remains shall be scheduled and conducted by the Tribe in coordination with Native Americans recognized as having lineal, familial, or cultural affiliation.”

Comment: There are no “proper ceremonies” for re-interment. The entire idea of disturbing remains is taboo, there is no ceremony for re-interment according to Miwok customs. I suggest the following language change: “~~Proper ceremonies for re-interment~~ Reburial of Native American remains shall be scheduled and conducted by the Tribe in coordination with Native Americans recognized as having lineal, familial, or cultural affiliation.”

Page 25, Treatment Measure Documentation and Report.

Comment: Who will receive copies of this documentation and report? Will the consulting parties receive copies of the annual progress reports to EPA?

General Comment: I would like to see language added that reburial of Native American cultural materials from off-site sources are not to be reburied within the boundaries of CA-Ama-411/H or the Buena Vista Peaks.

General Comment: If Native American remains are discovered, will the Native American Heritage Commission be contacted to identify a most likely descendant?

September 3, 2009

John Tinger  
U.S. EPA  
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San Francisco, CA 94105

Subject: Buena Vista Rancheria of Me-wuk Indians Gaming and Entertainment Facility Project, Amador County

Dear Mr. Tinger,

I have expressed my concerns regarding the potential construction of a casino project on the property formerly known as the Buena Vista Rancheria for over 10 years now. I am of Miwok ancestry having cultural and historical ties to the Buena Vista Rancheria, where many of my ancestors and relatives are buried. When a potential casino project was initially discussed back in 1999, I expressed my concerns regarding the affects to the Native American sites located on and adjacent to the proposed project site. The United States Environmental Protection Agency (US EPA), Army Corp of Engineers and the State Historic Preservation Officer have all concurred that the project is an adverse affect to historic properties eligible for the national register. The footprint of the proposed project itself will occur in an archaeologically rich area and is likely to contain artifacts that may contribute to the overall knowledge and understanding of the historic properties affected. Many Miwok people fought hard to protect this land through the years, one individual was almost beaten to death in 1923 trying to protect the land which instigated the federal government to purchase the property in 1928 for the homeless Indians in Ione. I have the following comments on the proposed casino project.

Ms. Jo Ann Asami with the US EPA stated in the March Section 106 consultation meeting that the US EPA does not have the authority to disapprove the NPDES permit based on affects to archaeological sites, just the quality of the discharged water. Ms. Asami went on to describe the Section 106 process of the National Historic Preservation Act as a process to gather information but that was all, just a process that had to be followed, and that the EPA didn't have to do anything else as long as it followed the process. I disagree with this opinion, the US EPA and the Army Corp of Engineers do have the authority to disapprove the NPDES permit and 404 permit due to the adverse affects of the proposed project.

The Historic properties treatment plan states that the access to the Buena Vista peaks is from the west and the south, and that the access to the peaks is not from the north. This statement is incorrect. The access to the Buena Vista peaks has been from the west and south since people have cut access roads into the mountain at these points, the west road was in the early 1970's and the south road in the 1990's. Prior to the 1970's the access to the Buena Vista peaks occurred from the north side with most people parking at the Oliver house and hiking to the top of the peaks from there. This point of access was also the route people took to access the cave at the southern end of the Buena Vista Rancheria property which was used as a birthing cave as identified by Thompson & West in the

History of Amador County published in 1881. The main aboriginal point of access to the Buena Vista peaks from the village site at the Buena Vista Rancheria was from the north, the other access points have been used predominately in the past 30 years. It is important and necessary to maintain a direct access connection from the CA-AMA-411H to the cave located on the southern portion of the property and the Buena Vista Peaks, due to this aboriginal way of access to and fro these locales.

The planting plan and guidance does not include the archaeological protection area of CA-AMA-411H, despite a long discussion on the appropriateness and types of plants at the July consultation meeting and the statement that a planting plan would be constructed. Rhonda Pope has already planted Valley Oak trees all along the access path to the cemetery that will block the view of the Buena Vista peaks from the cemetery and vice versa. This is the view shed that is trying to be protected, yet the Buena Vista Rancheria has already planned and put in action the plan to block this view with the Valley Oak trees. The Valley Oak trees already planted should be removed and there needs to be provisions in the historic properties treatment plan prohibiting the planting of vegetation in the archaeological protection area in the historic properties treatment plan. Unless a specific plan is included in the historic properties treatment plan, no ground disturbing activities or activities that alter the natural landscape of the CA-AMA-411H area needs to be prohibited, including habitat restoration activities.

How does a monitor prove whether they have Miwok knowledge or not? How much knowledge is of Miwok culture and history enough? Who determines whether a monitor has Miwok knowledge or not and what makes the decision maker knowledgeable of Miwok culture? Despite the perception that tribes know their own history, in this case Buena Vista Rancheria doesn't know their own culture or history because the individuals representing the Buena Vista Rancheria today were never part of it. Just look at Buena Vista's logo, it is an Aztec bird from Mexico. What type of certification is required, what are valid certifications? Can I print my own? The protocol for identifying Native American monitors is not adequate.

The references you list for linking Sigelizu to the second roundhouse site is not accurate. The reference you list merely states that Sigelizu built a roundhouse at Buena Vista, it doesn't provide any additional information that identifies which roundhouse site is the one he built. It is from other ethnographic sources not listed that connects Sigelizu to the middle roundhouse.

During the consultation meetings that occurred in 2009, we kept hearing that the proposed project had changed significantly due to negotiations with Amador County. However, none of the reference documents have been revised nor has the TIER been revised to reflect these supposed changes. The Buena Vista Rancheria must update the project proposal to reflect the changes in the project proposal.

One major issue discussed during these consultation meetings was the proposed footprint and final building elevations. The Buena Vista Rancheria needs to update the proposed footprint of the project and the final building elevations in the project proposal and TEIR

so that one can understand the potential affects from the project. None of this data has been provided except a claim that the parking structure has been reduced in height to a final building elevation of 423 feet. However, no elevation data was provided for the casino itself or the adjacent structures. How do we know what the current project proposal entails?

The lineal descendents of the current membership of the Buena Vista Rancheria includes only Rhonda Pope and her descendents. Rhonda Pope's lineage represents only 3 different lineages buried in the cemetery located on the Buena Vista Rancheria. There are 12 different lineages represented by the burials in the cemetery located on the Buena Vista Rancheria. My direct ancestors are from 2 of the 12 lineages, which both of my lineages are completely different from any of the lineages represented by Rhonda Pope. The Ione Band of Miwok Indians has tribal members from 11 of the 12 lineages buried in the cemetery. To allow Rhonda Pope, the Buena Vista Rancheria, make the decisions regarding the protection of the sites located on the Buena Vista Rancheria property is ridiculous. The Ione Band of Miwok Indians must be given at least equal opportunity to make decisions affecting the Native American sites.

The reburial of all artifacts discovered should not be reburied within the archaeological protection are CA-AMA-411H. The reburial location must occur outside of this area. The excavation for reburial must be excavated using archaeological methods and shall be monitored by an archaeologist and Native American monitor, due to the archaeological sensitivity of the entire property and the potential for buried deposits to contribute to the knowledge of the historic properties. All Section 106 consulting parties with Native American affiliation shall be notified of the reburial date, time and location at least one week prior to reburial. Reburials shall be conducted by representatives of both the Buena Vista Rancheria and the Ione Band of Miwok Indians, and shall not be conducted by the Native American monitors, although the monitors may be present for the reburial if the consulting parties agree.

It seems that the US EPA and the Army Corp of Engineers has down played the importance of the archaeological sites affected by the proposed project. The CA-AMA-411H site is not just a village site eligible for the national register, nor are the Buena Vista Peaks eligible because of the relationship of a mythical story. Both of these sites are part of the foundation of the entire northern Miwok culture and belief system and are one continuous site. The aboriginal people at the Buena Vista Rancheria village site used a cave on the southern end of the property as a place for child birthing. This cave is listed and grouped under the Buena Vista Peak site record, yet it is contiguous and directly affiliated with the CA-AMA-411H site. There are no Native American sites located in Amador, Eldorado, Calaveras, Tuolumne, Sacramento or San Joaquin counties that come close to the importance of this site, including the Indian Grinding Rock State Park located in Amador County. The Buena Vista sites are where the oral history and the ethnographic data document the birth of the Northern Miwok people and the culture. The sites are and always have been interconnected since humans were created on the Buena Vista Peaks. The federal and state governments should not approve a project that dissects

the integrity of a cultural site into three distinct areas with a 17 acre casino slapped in the middle of such a culturally rich parcel of land.

The sites affected from the casino represent a single archaeological site with several specific sites located within the larger site and are eligible under multiple criteria, which according to the NHPA regulations, the affects of properties eligible under multiple criteria can not be mitigated. The historic Buena Vista Rancheria property is not appropriate for a casino and the affects of a casino located on the property will affect the integrity of the sites as a whole. The affects of the casino project on this property can not be reduced to an insignificant level nor can they be mitigated. This is not only my opinion, Rhonda Pope argued the same points trying to stop Donna Marie Potts from building a similar size casino on the same location, arguing the points in the Sacramento Bee newspaper articles and in Federal Court documents (United States Court of Appeals Ninth District, Lower Court Docket No. CIV-S-01-2255 FCD filed June 3, 2002). Pacific Legacy acknowledges the importance of not disturbing the entire Buena Vista Rancheria property as well in their report prepared for the Buena Vista Rancheria in October 2006 entitled Historical Perspective For the Buena Vista Rancheria and Vicinity by stating on page 26:

“The Buena Vista Rancheria is one of a very few pre-1840 settlements remaining in California...The history of the Buena Vista Rancheria provides a rare opportunity to see these forces at work. Its importance far transcends its specific history.”

The US EPA has rushed this project through this process and the project documentation reflects this rush. The Historic Properties treatment plan still has many flaws and issues that need to be addressed, there is no current description of the proposed project, the project footprint maps in the TEIR were printed incorrectly in the topographic maps and you can't identify the exact locations on the maps. Even though all these documents were rushed, it is clearly evident that the Native American sites affected by the proposed project are extremely significant to the Northern Miwok people and the sites as a whole are rare. This project will physically disconnect the Buena Vista Peaks and the CA-AMA-411H area, ruins the integrity of the cultural sites on the Buena Vista Peaks and the CA-AMA-411H area, disrupts the physical ability to view to and fro the Buena Vista Peaks and the CA-AMA-411H area, and destroys the ability of the Miwok people to teach future generations about the foundations of the culture, beliefs, and origins of the Northern Miwok people. I respectfully request you to honor the wishes of Rhonda Pope in 2000 and 2001, that you deny a permit for a casino project on this property due to the affects on the Native American sites.

Sincerely,

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Cc:

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July 1, 2009

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Subject: Buena Vista Rancheria of Me-wuk Indians Gaming and Entertainment Facility  
Project, Amador County

Dear Mr. Donaldson:

I want to thank you for taking the time to consult with myself and the other interested parties regarding the cultural value of the numerous sites being impacted by this proposed project. However, I don't feel adequate Section 106 consultation has occurred to date. Limiting the discussion and meeting regarding the MOA to one meeting and the discussion and meeting on the Historic Properties Treatment Plan to one meeting didn't cover all the issues involved in this complex project. The draft documents presented to us at each of these meetings were so poorly constructed and presented that it was hard to provide meaningful discussions until further details were worked out, including maps of the property and the proposed project. At the June 30, 2009 meeting, the U.S. EPA indicated that no further consultation would occur on these documents and that they would go straight to the public comment period. To complicate matters further, the hostile attitude of Ms. Pope of the Buena Vista Rancheria during the entire consultation process hindered the effectiveness of the consultation process. I urge you to postpone participating in signing any agreements regarding this project until after hearing the public comments.

I look forward to continue working with you to further address these issues and work on mitigating the affects of the casino project. If you have any questions or would like me to clarify things further, please contact me at (209) 256-3417 or via e-mail [glenvilla@sbcglobal.net](mailto:glenvilla@sbcglobal.net).

Sincerely,

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April , 2008

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Subject: Buena Vista Rancheria of Me-wuk Indians Gaming and Entertainment Facility  
Project, Amador County

Dear Mr. Donaldson:

I want to thank you for taking the time to participate in the site visit to the project site of the proposed Buena Vista Rancheria casino project on March 25, 2009. The purpose of the site visit was for the agencies to get a better understanding of the potential affects from the proposed casino by seeing the project site and cultural sites first hand.

It is rather unfortunate Ms. Pope would not grant the agencies access to the area between the historic Oliver home site and the cemetery, which restricts your ability to fully assess the impacts of the casino. I, the Ione Band of Miwok Indians, and the other consulting parties wanted the agencies to be able to see the impacts of the proposed casino from the viewpoint of the cemetery and the prehistoric village site. It is this viewpoint where you can experience the connection between the Miwok mythology of people being created on top of the Buena Vista Peaks and the prehistoric village site and see the same view point the Miwok people could see for centuries. In past meetings and correspondences we had discussed the cultural value of retaining the visibility to and fro one another. That perspective was the purpose of the site visit and the one we discussed in the past meetings and correspondences and is a critical perspective that needs to be mitigated.

Ms. Pope's lack of cooperation in this regard limits your ability to fully assess the impacts of the proposed casino project. Your perspective and comments you had made to Ms. Pope and her consultants regarding measures to minimize and mitigate the affects of the casino were greatly appreciated. I look forward to continue working with you to further address these issues and work on mitigating the affects of the casino project.

If you have any questions or would like me to clarify things further, please contact me at (209) 256-3417 or via e-mail [glenvilla@sbcglobal.net](mailto:glenvilla@sbcglobal.net).

Sincerely,

Glen Villa Jr.

901 Quail Ct.  
Ione, CA 95640  
(209) 256-3417

Cc:

Matt Franklin, Chairman  
Ione Band of Miwok Indians  
P.O. Box 1190  
Ione, Ca 95640

John M. Fowler, executive director  
Advisory Council on Historic Preservation  
Old Post Office Building  
1100 Pennsylvania Avenue, NW, Suite 803  
Washington, DC 20004

Don Klima  
Advisory Council on Historic Preservation  
Old Post Office Building  
1100 Pennsylvania Avenue, NW, Suite 803  
Washington, DC 20004

Javier Marques, Associate General Counsel  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW  
Room 809  
Washington, DC 20004

Larry Meyers  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, Ca 95814

Richard Forester  
District 2 Supervisor  
500 Argonaut Ln.  
Jackson, CA 95642

October 22, 2008

Milford Wayne Donaldson  
State Historic Preservation Officer  
Office of Historic Preservation  
Department of Parks and Recreation  
P.O. Box 942896  
Sacramento, CA 94296-0001

Subject: Determination of Effects, Buena Vista Rancheria of Me-wuk Indians Gaming and Entertainment Facility Project, Amador County

Dear Mr. Donaldson:

I am writing regarding the US EPA letter dated October 2, 2008 addressed to you, which indicates that the construction of the casino itself is not a direct affect to the sites located on and off the historic Buena Vista Rancheria property. I disagree with the US EPA determination that the casino project is merely a visual and auditory affect. There is also the physical and spiritual connection between the sites that the construction of the casino will disrupt. The proposed casino project will physically disconnect the sites located south of the proposed casino area and the sites located immediately north of the casino area, which is a direct affect to the sites. The village site area including cemetery and roundhouse sites, the birthing cave area and the other sites located on the top of the peaks themselves are all interconnected as one large site. The connection between these sites was significant enough that a staircase was built into the hill to make the navigation of the trail easier (see CA-AMA-907-H).

The U.S. EPA does not address the archaeological site located at the intersection of Martin Lane and Jackson Valley Road, which the proposed casino will need to improve this intersection and widen this stretch of Jackson Valley Road as part of its traffic mitigation. The site at Martin Lane is a site where the soldiers of Mission San Jose raided the village, killed many of the villagers and burned down the village. The site includes a roundhouse site, burials and the rocks where the soldiers killed the babies. This site is of historic significance and does qualify as a historic property, yet it is not mentioned as a site affected by the construction of the proposed casino.

Access to the historic cemetery is an issue today and will remain an issue until the locks blocking access to the cemetery are removed so that the descendants of the people in the cemetery can access the cemetery at anytime to pay their respects to the deceased. My family has buried members of the family in this cemetery prior to the formal formation of the Rancheria in 1928, during the time the property was in trust status, and after the termination of trust status in the 1950's. During all this time, my family has buried its relatives and has helped take care of and clean the cemetery. We were even the ones who took Rhonda Pope to the cemetery and showed her which unmarked grave was Jesse Pope's, her father. Prior to us taking Rhonda to the cemetery in 2001, she had never been

there. Rhonda has stated that we can request access to the cemetery, which I don't feel is appropriate. My family has never needed permission to access the cemetery and I am not going to ask for something I don't need, it has been a right to access the cemetery for my family forever.

The sites affected from the casino represent a single archaeological site with several specific sites located within the larger site and are eligible under multiple criteria, which according to the NHPA regulations, the affects of properties eligible under multiple criteria can not be mitigated. The historic Buena Vista Rancheria property is not appropriate for a casino and the affects of a casino located on the property will affect the integrity of the sites as a whole. The affects of the casino project on this property can not be reduced to an insignificant level nor can they be mitigated. This is not only my opinion, Rhonda Pope argued the same points trying to stop Donna Marie Potts from building a similar size casino on the same location, arguing the points in the Sacramento Bee newspaper articles and in Federal Court documents (United States Court of Appeals Ninth District, Lower Court Docket No. CIV-S-01-2255 FCD filed June 3, 2002). Pacific Legacy acknowledges the importance of not disturbing the entire Buena Vista Rancheria property as well in their report prepared for the Buena Vista Rancheria in October 2006 entitled Historical Perspective For the Buena Vista Rancheria and Vicinity by stating on page 26:

"The Buena Vista Rancheria is one of a very few pre-1840 settlements remaining in California... The history of the Buena Vista Rancheria provides a rare opportunity to see these forces at work. Its importance far transcends its specific history."

I have written other letters to your office and to the Native American Heritage Commission over the past few years as well regarding this subject. If you do not have copies of these letters I can provide copies of these as well. If you have any questions or would like me to clarify things further, please contact me at (209) 256-3417 or via e-mail [glenvilla@sbcglobal.net](mailto:glenvilla@sbcglobal.net).

Sincerely,



Glen Villa Jr.  
901 Quail Ct.  
Ione, CA 95640  
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Cc:

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Larry Meyers  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, Ca 95814

# FACT SHEET

# ELIGIBILITY FOR THE NATIONAL REGISTER OF HISTORIC PLACES

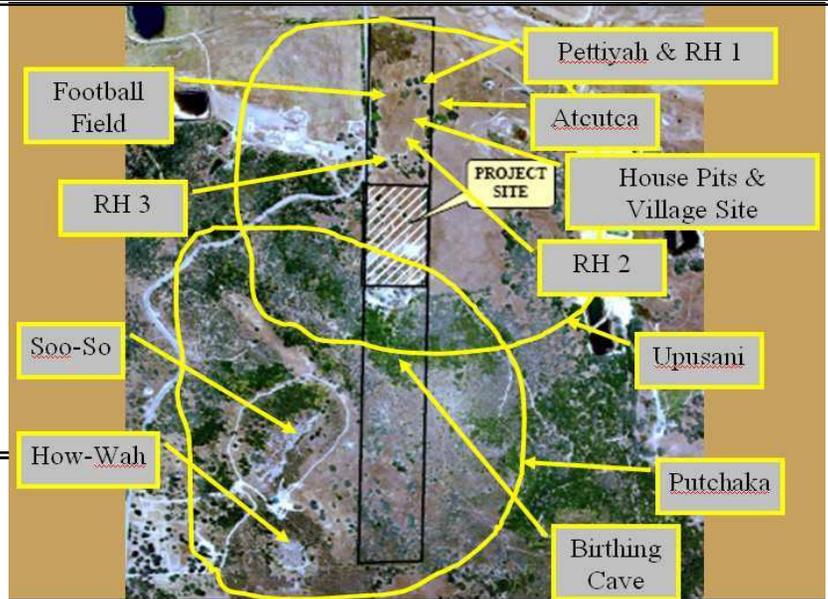
**NATIONAL REGISTER CRITERIA FOR EVALUATION.** The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

- (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) that are associated with the lives of persons significant in our past; or
- (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) that have yielded, or may be likely to yield, information important in prehistory or history.

## CULTURAL RESOURCES ON-SITE

Located on and adjacent to the Buena Vista Rancheria property are the following cultural resources:

- Remains of 3 roundhouses
- Indian Ball Field
- Pre-historic Village
- Cemetery
- Birthing Caves
- Location of Creation Myth
- Springs associated with the Village



## ROUNDHOUSES

The roundhouse was a gift from the people to the Captain of the Tribe and was built by the people for the Captain. Most of the sacred ceremonies occurred in the roundhouse, including sacred dance ceremonies, annual cry ceremonies, and doctoring ceremonies. In addition to housing ceremonial activities, the roundhouse served as a community center where Tribal meetings, marriage ceremonies, and other non-sacred activities occurred. In some instances, the Captain resided in the roundhouse. The roundhouse also served as a home for the younger unmarried men of the Tribe until they became married and started their own families. The roundhouse was owned by the Captain and like other personal possessions, the roundhouse was torn down when the Captain died. Remnants of three roundhouse structures are known to exist on the Buena Vista Rancheria.

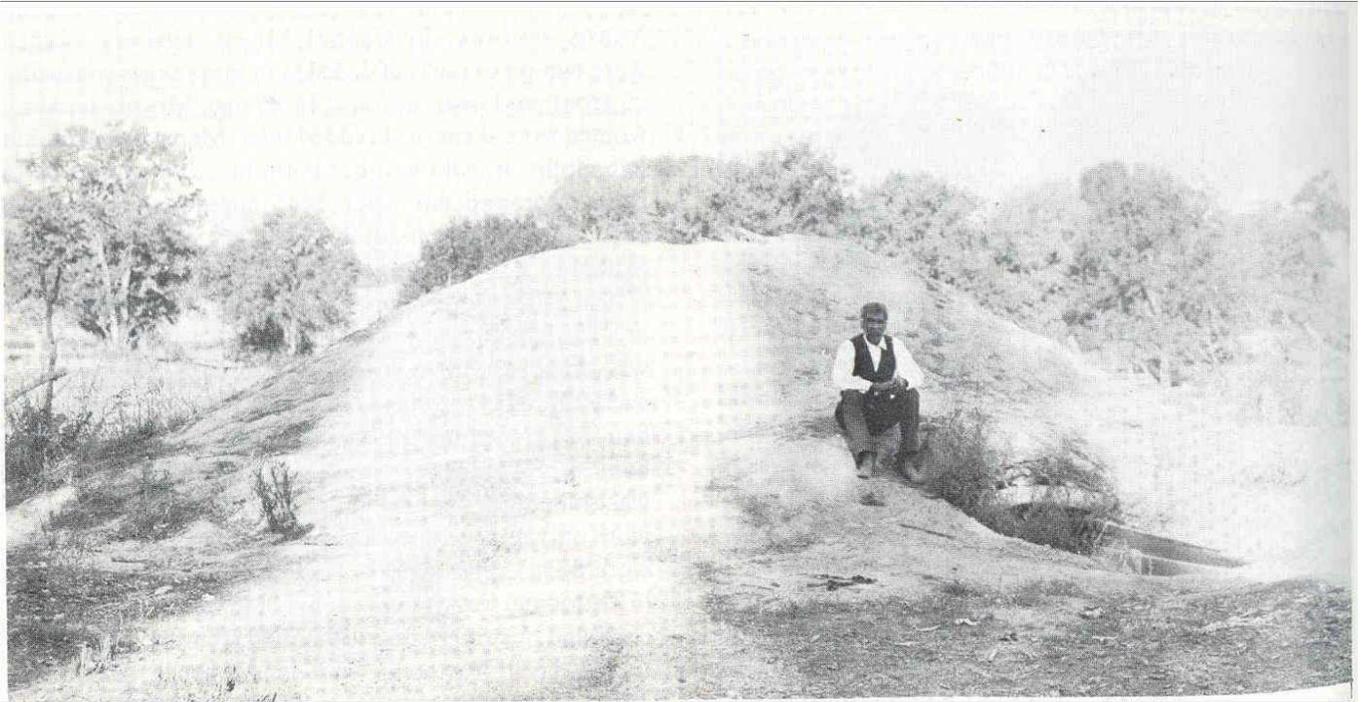
### Roundhouse #1, (RH 1) (1830-1850) [eligible under A & D]

This is the oldest known roundhouse on the project site. Louie Oliver described this roundhouse as “an old, old dancehouse,” remembering that his parents talked about it. John Powell’s grandmother told him about 3 brothers who were bear doctors called “sulikma” in Miwok who danced in the roundhouse at Buena Vista. Based on time periods, this was probably the roundhouse where this occurred. The cemetery is located on top of this roundhouse. This roundhouse dates to the 1830-1850 time period.

### Roundhouse #2 (RH 2) (1860-1890) ) [eligible under A,B,C & D]

Sigelizu built a roundhouse at Buena Vista and taught the people new dances as part of the Ghost Dance Movement in California. He taught the Tuda, Lole, Hiweyi, Mamasu, Olezu, Sunwedi, Sukima, Kilaki and Kuksuyu. Buena Vista became one of the most important dance capitols in the area. This

roundhouse had the old style of foot drum which was a hollowed log. The roundhouses built in the Ione area after this didn't use a hollowed log. Louie Oliver said this roundhouse was used when his mother was young, which would correspond to the 1860-1870 timeframe. According to Louie this was the largest of the 3 roundhouses. His mother told him 9 people would sleep head-to-toe across the floor. This roundhouse was most likely torn down after the death of Captain Powell who was still alive in 1880.



Roundhouse #3 (RH 3) (1890-1910) ) [eligible under A,B,C & D]

The third roundhouse was the one closest to the house of Louie Oliver. This roundhouse was most likely built in the late 1800's. In September 1903, C.Hart Merriam visited the site and interviewed Casus Oliver and his wife Mandy. Photographs of Casus, Mandy and the roundhouse were taken at this time. This roundhouse used a wood plank foot drum instead of the hollowed log. John Hudson visited the site on May 24, 1902 and described it as "Visited 3 huts 5 1/2 miles on Fitzsimmons ranch E of here. Great Hungi or sweathouse 30' diam semi subterr. Entrance 6' long. (sketch included). 12 pillars 9' high, smoke hole in center." This roundhouse is one of the most documented in Northern Miwok territory and dates to the period of about 1890-1910.



Ball Field [eligible under C & D]

Between the cemetery and Coal Mine road in the gully that's where they played Indian Football. This field was used in prehistoric times as well as in historic times. Billy Joe told a story about his people from Q Ranch playing against the Miwok here. Also, John Kelly from the Chicken Ranch Rancheria said he had played Indian football here against the girls. Indian football was played here all the way into the 1960's. This is the only known prehistoric Ball Field in Northern Miwok territory.

Village Area [eligible under A,B,C & D]

Located between the old Oliver home and the cemetery. The village at Buena Vista was called “Upusani” in Miwok. House pit depressions were still visible in ? when ? visited the site. Casus Oliver told Alfred Kroeber how he had found a mortar used by the medicine men when he was ploughing the field.



Cemetery [eligible under C & D]

The cemetery was called Pettiyah in Miwok. The exact age of the cemetery is unknown, however the earliest known burial occurred sometime between 1895 and 1900. The Cemetery already existed in 1903 when C. Hart Merriam visited.

There are a number of individuals buried in this cemetery who were instrumental in the preservation of the Miwok history and culture. Charlie Maximo, Casus Oliver, Dan Gainor, Susie Gainor, Lizzie Clifford, Mandy Oliver, Queenie Miller, and Louie Oliver are a few of the people buried in the Cemetery. The known burial dates range from 1895 to 1995. Only one individual buried in the Cemetery is not a Base-Roll Member of the Ione Band of Miwok Indians or a descendant of a Base-Roll Member.

Louie Oliver maintained the cemetery during his lifetime, however in the late 1960’s he asked Nicolas Villa Sr. to take over the duties of maintaining the cemetery. Nicolas accepted the role and continued to maintain the cemetery until he became too old as well. At that time, Nicolas passed the responsibility on to his grandson Glen Villa Jr.. In maintaining the cemetery, it was cleaned every year prior to Memorial Day. Flowers were placed on the graves and American flags were placed on the veterans buried in the Cemetery.

Spring (adjacent to cemetery) [eligible under C & D]

When interviewed by Edward Gifford, John Powell gave the name of Atcutca for the spring near the cemetery. The spring was directly associated with the village of Upusani and served as the drinking water source for the village.

Cave [eligible under C & D]

On the southern edge of the property and at the base of the Peaks is a cave. This cave was used for birthing. When a woman was about to become a mother, she would leave camp for a day or two and in hut prepared for the occasion in some secluded place. At Buena Vista, this cave was used. Thompson & West in the History of Amador County described it as “a lying-in hospital for the Buena Vista Indians was a nest under the brow of a rock.”

Spring near caves [eligible under C & D]

There are a couple of springs located near the caves on the southern portion of the property. It was here that the people gathered various plant foods, such as Kokkachi or watercress. Kokkachi has been gathered at this location up to the present day.

### Peaks [eligible under C& D]

The use of high places (mountains) is found throughout the California Native American communities. While the uses of these areas vary from tribe-to-tribe, there are some common themes that prevail.

The simplest and most obvious explanation; high places allow a Native community to view the world as they knew it. From these high places you could see the area in which you lived, traded with your neighbors, and hunted and gathered the food and medicine needed for survival. However, this was not the only use. In many creation stories, the creator makes the world, including providing the resources necessary for survival of the people yet to come and then from a high place, rest and view his



creation. From this place, people are able to view the world as he did, the creator. While we may never fully understand his complete desires and intent, these places provide insight to the areas of wonder. By visiting these places, we can be closer to and seek the wisdom of the creator. This means of seeking guidance is not any different than Moses receiving the Ten Commandments from God in Christianity. Needless to say, these places contain mystery and power which we will probably never fully understand the full extent of its power and meaning. But none-the-less, we should respect and preserve it.

For the Native people in the Ione area, the peaks at Buena Vista are the place critical in the story as to how we as Native people arrived on this land. When the world was covered with water, the creator sent messengers to prepare the world for the arrival of people. From the mud, he made man and woman. When the water receded, they established residency, making use of the resources the creator provided. It is here at the base of the peaks at Buena Vista, where the First people created lived.

The peaks at Buena Vista were more than just the location where people were created, the Miwok believed the entire hill called Puchaka had mystical powers. The Miwok believed the peaks had curing powers in that if you were tired you could dust yourself with the dirt from the peaks and your tiredness would go away. Dan Gainor and Frank Powell both believed this. The northern peak was called Soo-so and the southern peak was called How-wah.

There are a multiple bedrock mortars on the peaks. Frank Villa was told that when the world was being created, little birds ran across the top of the peaks at Buena Vista and that you could still see their tracks in the rock.

### Annual Ceremonies

Annual Ceremonies were always held at Buena Vista. This annual tradition continued into the early 1970's by Louie Oliver hosting a annual feast for Memorial Day. The event was attended by native people from Butte, Placer, El Dorado, Sacramento, Amador, Calaveras, Tuolumne, and Mariposa counties.

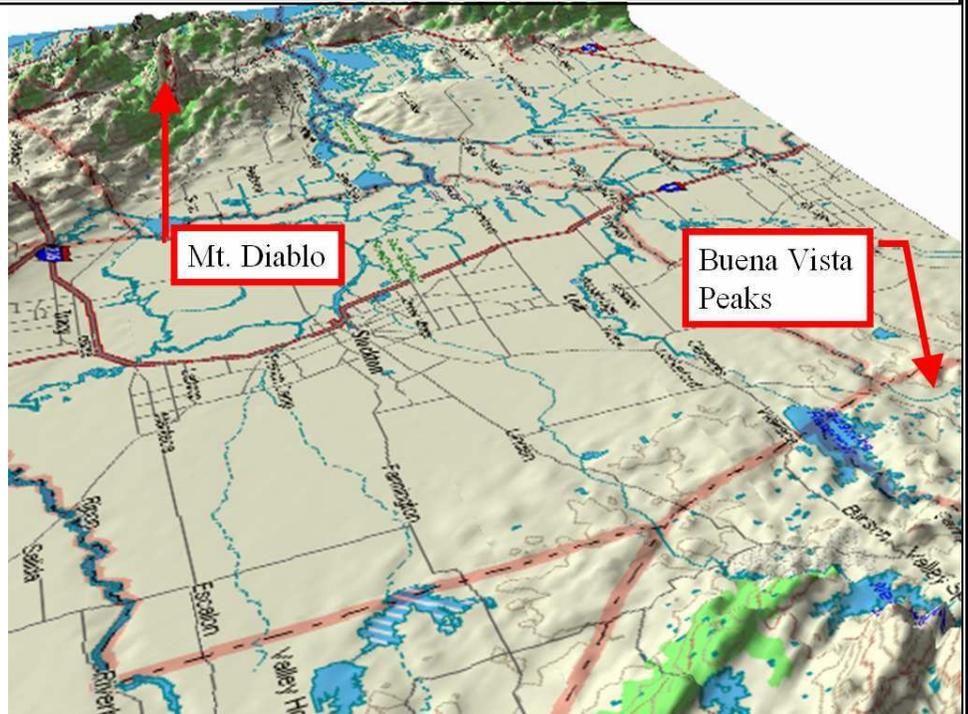
## FACT SHEET

# WHO'S CULTURALLY AFFILIATED TO THE BUENA VISTA RANCHERIA?

### CREATION OF PEOPLE (AS TOLD BY LUCY VILLA)

During a Great Flood, Coyote-man swam from Mount Diablo to the Buena Vista Peaks. It was there, on the peaks, that he created people. As he was creating man, Coyote-man couldn't decide how to make man's hands. He wanted to make hands like his paws so man could dig for roots, but Lizard-man said "No, he should have hands like mine so they can pick up things." Coyote-man and Lizard-man argued back and forth, neither one would give-in. Finally, they decided to play a game of Handgame to decide what hands man would have.

They played all night, the counting sticks going back and forth all through the night. Finally, the game was over. Who won? Look at your hand, it looks just like the Lizards.



### ABORIGINAL POLITICAL STRUCTURE

The main political unit of the Miwok was the tribelet. Each tribelet, consisted of a main village and a series of subvillages. The overall leader of the tribelet lived in the main village, while each subvillage had a leader who reported to the overall leader. In historic times, the overall leader was called the Chief or Captain from the Spanish influence in California. The Miwok term for this leader was Hiapo. The position of Hiapo was a hereditary position inherited through the father's lineage. The Hiapo system was similar to the English Royal families we are familiar with today, in that there were royal families and royal marriages. The chieftainship normally descended in the direct male line, from father to eldest son. In the instances where the Chief had no living sons, the daughter was the leader of the tribe and was called maiyenu.

The tribelet that prehistorically inhabited the Buena Vista area was the Locolumne. The Locolumne territory extended as far north as the Carbondale area which is about 5 miles north of Ione and encompassed the entire region known as the Buena Vista, Jackson Valley, and Ione Valley.

During the Sutter Period, the captain of the Locolumne was named Poltuck. Poltuck signed the Treaty at the Forks of the Cosumnes in September of 1851. Evidently, the Powell family was patrilineally related to Poltuck in that the Powell family were clearly the leadership family in the Ione area. In 1881, Thompson and West identified Captain Powell as the leader in Jackson Valley and said the roundhouse in Buena Vista was his. A letter written by Martha Gregory Courtwright in 1927, reminiscing about when she arrived in Ione in 1853, identified Captain Powell as the leader at a village near the present site of the Preston Youth Correctional Facility. This village was called Pintawil. Captain Powell was the leader of

this village during the time the first white families moved to the Ione area. Also residing at this village during the time, was Sally John, a Base Roll Member of the Ione Band of Miwok Indians. Sally John related that the village was raided by Sutter and her relatives were taken to Sutter's Fort. In the 1870's and on the U.S. Census in 1880, Captain Powell was living on the Fitzsimmons Ranch, at what is now the Buena Vista Rancheria. By 1900, Captain Powell had died. Captain Powell was identified as the leader of the people in and around Ione, which included the Buena Vista, Jackson Valley, and Ione Valley regions.

In 1915, John Terrel conducted a census of Indians in the Ione area, at which time a leader was elected to represent Indians in the Ione area. Charlie Maximo was elected to be the leader despite protests from John Powell who claimed that he was the leader and his father was the leader in old times. The 1915 census included the Oliver family and the Powell family both of which lived at Buena Vista at the time. Dan Ganor, uncle of Louis Oliver, claimed that his mother was from the Pukaito nena and his father was from the Licklee nena. John Powell was also from the Pukaito nena. Being from the same area and the same nena would indicate a patrilineal relationship.

### **LOCOLUMNE**

There were more people than just the Oliver family who belonged to the Locolumne tribelet. The following people are known to belong to the Locolumne: Susie Ganor, Charlie Ganor, John Powell, Sally John, and Indian Dick (a.k.a. Charles Buckner). Hundreds of descendants of these individuals are enrolled with the Ione Band of Miwok Indians and the United Auburn Indian Community.

Louie Oliver belonged to the Locolumne tribelet through Susie Ganor and Charlie Ganor who were his maternal grandparents. The father of Louie Oliver, Casus Oliver, belonged to a different tribelet from Stockton. He married into the Locolumne by marrying Lizzie Ganor, daughter of Charlie and Susie Ganor.

Rhonda Pope claims to be the last descendant of the Oliver family and the last descendant of the Buena Vista Rancheria. This is false. Rhonda and her children are only the last living direct descendants of Louie and Annie Oliver. There are many other descendants of the Oliver family as well as descendants of other families who have just as much cultural affiliation to the Buena Vista Rancheria as Louie and Annie Oliver.

### **JOHN FIELDER**

There is another individual who also has cultural ties to the Buena Vista Rancheria, named John Fielder. John Fielder was the step-son to Enos Oliver, son of Louie Oliver, and lived on the Buena Vista Rancheria until he went away to the military. John Fielder lived on the Buena Vista Rancheria at the time the Buena Vista Rancheria was Terminated in 1958. Although John Fielder is not a direct descendant of the Locolumne, he is the last person alive who lived on the property with Louie and Annie Oliver and the last person who was reared on the property. John lives in southern California.

### **PARTICIPANTS IN CEREMONIES AT BUENA VISTA**

The following is a brief list of some of the people who participated in the ceremonial dances at Buena Vista. All of the participants, except Frank Fisher, are either a Base Roll member of the Ione Band of Miwok Indians or have descendants enrolled in the Ione Band of Miwok Indians.

Charlie Maximo, Dan Ganor, Susie Ganor, Sally John, Susie Porter, Katherine Alcalde, Lizzie Clifford, Alec John, John Powell, Frank Powell, Albert Clifford, Jess Clifford, Henry Titman, William Joseph, and Frank Fisher.

## PEOPLE BORN AT BUENA VISTA

### Individuals Born at Buena Vista

Name	Birth Date	Comments
Alcalde, Mother of Alec		Descendants are Base Roll Members of the Ione Band of Miwok Indians
Burris, Clarence	August 1, 1900	Base Roll Member of the Ione Band of Miwok Indians
Burris, Harry	August 1, 1900	Base Roll Member of the Ione Band of Miwok Indians
Clifford, Mabel Irene	May 1, 1904	Base Roll Member of the Ione Band of Miwok Indians
Ganor, Dan	1864	Base Roll Member of the Ione Band of Miwok Indians
Jones, Billy		Grandfather is a Base Roll Member of the Ione Band of Miwok Indians
Miller, Gus		Grandparents are Base Roll Members of the Ione Band of Miwok Indians
*Moman, Comus	1886	Children are Base Roll Members of the Ione Band of Miwok Indians
Oliver, Louie	April 30, 1889	Father is a Base Roll Members of the Ione Band of Miwok Indians
Powell, Frank	February 20, 1872	Base Roll Member of the Ione Band of Miwok Indians
Powell, John	1845	Base Roll Member of the Ione Band of Miwok Indians
Wilson, Billy	1865	Mother is a Base Roll Member of the Ione Band of Miwok Indians

\*Has descendants enrolled with the United Auburn Indian Community.

## People Buried at Buena Vista

Number	Name	Died	Descendants Eligible IBMI	Relatives are IBMI	United Auburn
1	Lizzie West Valencia		Y	Y	Y
2	Martha West Moman		Y	Y	Y
3	Lizzie Gainor Oliver	1899	Y	Y	Y
4	Maria Maximo		Y	N	Y
5	Lugan Brown	7/31/1910	Y	Y	Y
6	Lovina Brown	11/19/1910	Y	Y	Y
7	Charlie West	9/19/1911	Y	Y	Y
8	Casus Oliver	1916	Y	Y	Y
9	Buthl Oliver	3/28/1917	Y	Y	Y
10	Mary West	2/25/1922	Y	Y	Y
11	Susie Gainor	3/16/1923	Y	Y	Y
12	Mandy Jameson	3/19/1924	Y	Y	Y
13	Andy West	3/18/1925	Y	Y	Y
14	Harry Burris	5/13/1928	Y	Y	
15	Marie Oliver	7/15/1929	Y	Y	Y
16	Billy Wilson	12/23/1932	Y	Y	Y
17	Louellyn Oliver	7/27/1933	Y	Y	Y
18	Dan Gainor	8/26/1934	Y	Y	Y
19	Kenneth Walloupe	10/26/1936	Y	Y	
20	John Oliver	3/26/1940	Y	Y	Y
21	Doug Burris	10/20/1941	Y	Y	
22	Christina Ortega	5/27/1942	Y	Y	Y
23	Charlie Maximo	3/26/1943	Y	Y	Y
24	Jess Clifford	4/26/1945	Y	Y	
25	Betty Lou Hatch	4/13/1948	Y	Y	
26	Dennis Hatch	3/9/1950	Y	Y	
27	Roy Clifford	1/29/1951	Y	Y	
28	Lizzie Clifford	3/6/1955	Y	Y	
29	Ethel Oliver Bill	12/15/1956	Y	Y	Y
30	George Clifford	7/12/1957	Y	Y	
31	Henry Miller	12/17/1957	Y	Y	
32	Albert Clifford	12/25/1957	Y	Y	
33	Donald Lucero	12/5/1959	N	N	N
34	Loren Burris	10/19/1960	Y	Y	
35	Iris Pope	1/26/1969	Y	Y	Y
36	Eleanor Pope		Y	Y	Y
37	Richard Clifford	5/16/1970	Y	Y	
38	Annie Oliver	7/11/1972	Y	Y	Y
39	Louie Oliver	1/5/1973	Y	Y	Y
40	Jesse Pope	4/14/1975	Y	Y	Y
41	Queenie Miller	10/14/1975	Y	Y	
42	Enos Oliver	8/31/1978	Y	Y	Y
43	Lulu Clifford	5/28/1982	Y	Y	
44	Effie Burris	2/25/1984	Y	Y	
45	Lester Oliver	10/31/1985	Y	Y	Y
46	Jim Clifford	10/26/1990	Y	Y	
47	Geraldine Burris	8/2/1991	Y	Y	
48	Lucille Lucero	3/19/1995	Y	Y	Y

## **FACT SHEET**

# **HISTORICAL OVERVIEW OF THE BUENA VISTA RANCHERIA**

### **LIVING AS SQUATTERS**

Prior to the purchase of the Buena Vista Rancheria, the Indian people had lived as squatters on the property, continuing to live on their prehistoric homelands. In 1905 and 1906 C.E. Kelsey was appointed Special Indian Agent in charge of identifying the number and location of Indians living outside of reservation lands. Kelsey identified 31 individuals living at Buena Vista, all of whom are Base Roll members or descendants of Base-Roll Members of the Ione Band of Miwok Indians. The families represented were the Jameson, Powell, Oliver and Ganor families

### **PURCHASE OF THE LAND**

In 1923, a physical altercation occurred between two of the Indians at Buena Vista, Dan Ganor and John Oliver, and the new landowner, Brachigleone. Dan Ganor was badly beaten and the Indians pursued legal action to preserve their rights to the property. This caused the local and federal governments to focus on a solution for the Indians living on this property to protect them. In 1928, the U.S. government purchased the Buena Vista Rancheria for the Mewuk Indians. Justification for the purchase used the 1905 Kelsey Census, the 1915 Terrell Census and the Indian population living in Ione in 1925-1928. Rhonda Pope claims the Buena Vista Rancheria was purchased for her great grandfather, Louie Oliver. This is untrue. Although Louie Oliver was born at Buena Vista, by 1915 he had moved to live with his uncle, Billy Wilson, in Mokelumne Hill. He had lived here until after the 1930 U.S. Census. Louie and his family moved from here to a few miles north of Ione. It wasn't until 1935 that Louie and his family moved onto the Buena Vista Rancheria, seven years after the land was purchased.

### **TERMINATION OF THE BUENA VISTA RANCHERIA**

In 1958, the U.S. Congress passed the California Indian Rancheria Act which terminated the Buena Vista Rancheria. In a process of distributing the assets of the Rancheria, the land was deeded to Louie and Annie Oliver. The people living on the property at the time of termination included: Louie & Annie Oliver, Enos & Lydia Oliver, John Fielder and Lucille Lucero.

### **TILLIE HARDWICK STIPULATED JUDGMENT**

In the late 1970's, litigation was brought against the United States in federal court by the distributees of terminated tribes and their descendants who alleged that the distribution plans were unfair. In 1983, the United States stipulated to "unterminating" the tribes and restoring their status as federally-recognized Indian tribes.

### **TITLE TO THE FORMER RANCHERIA**

Between the years 1986 and 1996, Donnamarie Potts, no relation to the Buena Vista Rancheria, acquired the full fee title to the former Rancheria. In 1996, she attempted to convey the property to the Buena Vista Rancheria, and from the Buena Vista Rancheria to the United States. The conveyances are currently in question.

### **TRIBAL-STATE GAMING COMPACT- 1999**

A Tribal-State Gaming Compact entered into by Donnamarie Potts in October 1999. The casino project was proposed to be developed by Cascade Entertainment. The project was initiated pursuant to the Tribe's 1999 tribal-state gaming compact, and it included a management contract that required approval by the National Indian Gaming Commission.

### **SECTION 106 CONSULTATION- 2000**

In 2000-2001, during the course of preparing the NEPA environmental reports, the NIGC became aware that the Buena Vista site contained culturally and historically significant sites. The National Indian Gaming Commission, in consultation with the Department of Interior found that the Buena Vista site was deemed eligible for listing on the National Register of Historic Places under several different criteria. As lead federal agency, the National Indian Gaming Commission initiated Section 106 consultation with the Ione Band because of the Tribe's cultural affiliation to cultural sites that would be impacted by the casino project.

During the time of the Section 106 consultation, a leadership dispute arose between Donnamarie Potts and Rhonda Pope over who was entitled to represent the tribe. The Section 106 consultation stalled and the project was dropped by the developers.

### **2004 COMPACT AMENDMENT**

In late 2004, the leadership dispute was resolved by settlement where a new developer, Tom Wilmot, paid both sides a substantial sum to resolve the dispute and obtain a compact amendment. The project was revived when Buena Vista negotiated an amendment to its compact that allowed for an increased number of gaming devices.

### **BUENA VISTA TRIBAL ENVIRONMENTAL IMPACT REPORT**

The Buena Vista Compact Amendment requires it to prepare a Tribal Environmental Impact Report ("TEIR") that is similar to the process under the California Environmental Quality Act. Since the TEIR is only intended to address off-site impacts, it does not adequately study or assess the impacts on the On-reservation environment. However, the TEIR states that the project invokes Section 106 because federal permitting is required. Section 106 of the National Historic Preservation Act requires consultation and the development of a Memorandum of Agreement on the treatment of the historic resources. Despite repeated requests to the Buena Vista Rancheria Tribal Chair, no consultation has occurred.

### **LETTER FROM BUENA VISTA TRIBAL CHAIRPERSON**

The new Buena Vista Rancheria Tribal Chair, Rhonda Pope, has changed her position of opposing a casino development on Miwok sacred sites since entering into a Settlement Agreement with Donnamarie Potts. In 2000 and 2002, Ms. Pope continually disputed any construction on any piece of the historic Buena Vista Rancheria. Yet, now that a Settlement Agreement has been signed that guarantees a significant percentage of future gaming revenues, she is proposing to disturb a much greater percentage of the property than the previous construction proposal by Donnamarie Potts. Rhonda Pope stated in her letter to the Ione Band that Buena Vista has no obligation to consult with Ione or to do anything more with regard to protection of the sites at Buena Vista.

## FACT SHEET

# THE IMPORTANCE OF THE BUENA VISTA RANCHERIA

### HOW IMPORTANT IS BUENA VISTA?

From the very beginning of time, Buena Vista has played an important role in our history. We believe we were created here. The site is the oldest continually inhabited village in the area and is located just below where we were created. This place has all the aspects of our culture in one location; the roundhouses, village sites, springs, birthing caves, cemetery, Indian Football Field, grinding rocks, and the location where people were created. The roundhouses date to 3 distinct periods in our history, each having its own importance. We have continually used this site and buried our people here. Buena Vista has always been there as a place we could go to see and hear about our past. Now the place where we trace our beginning to is threatened. This place needs to be protected for our future generations, just like the past generations preserved it for us.

The Buena Vista Rancheria has been such a significant contribution to the study of the Miwok people, some of the most renowned anthropologists visited the site. Through the years, the Buena Vista Rancheria has been visited by John Hudson, Samuel Barrett, C. Hart Merriam, Edward Gifford, Alfred Kroeber, J.C. Von Werlhof, Burt Aginsky, Albert Elsasser, and Jerald Jay Johnson.

In 1924, Charles Fish described the importance to the Buena Vista site as "A place the most sacred to them, as sacred to them as was the tombs of the Pharaohs to the Egyptians"

The Miwok have always worked to protect this land. From nearly dieing in a physical altercation in the 1920's to protect the land till now where we are still fighting to protect the land from unnecessary construction. In the early 1970's, Louie Oliver's attitude towards archaeological excavations at Buena Vista were described as "hostile." Now his own great granddaughter has conducted archaeological excavations in hopes to justify constructing a casino on the lands that generations of Miwok fought so hard to protect.

### RHONDA POPE'S VIEWS

*"And she vows to stop construction of any casino on ground she considers sacred because her father, grandmother, great-grandfather and many ancestors before them were buried there." - Sacramento Bee, October 15, 2000*

*"Earlier this year, she slipped in with members of a nearby tribe who visited a small fenced cemetery on the rancheria and she saw Jesse Pope's grave for the first time." - Sacramento Bee, December 16, 2001*

*"Pope has continued to emphasize her concern that a 210,000 square-foot casino with 2,000 slot machines will loom ' within a few hundred yards' of the tribal cemetery where her family members are buried. Other 'cultural sites' are also threatened, she claims." - Amador Ledger Dispatch, January 9, 2002*

*"Pope has said she wants to stop the casino and developers' bulldozers from ravaging the 67.5-acre tribal site, which she said includes the graves of her father, grandmother and great-grandfather as well as sacred American Indian cultural sites." - Sacramento Bee, January 4, 2002*

*"Regardless of what happens, I want to make sure the land is protected," Pope said on Friday...Pope insists that money is not a factor in her lawsuit." - Amador Ledger Dispatch, January 9, 2002*